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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,551	09/05/2003	Diana K. Smetters	D/A3162Q	8170

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EXAMINER

NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,551

Applicant(s)

SMETTERS ET AL.

Examiner

Khai M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/8/2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kish (U.S.Pub-20030212589) in view of Lowensohn et al. (U.S.Pub-20040230809).

Regarding claim 1, Kish teaches a computer controlled (fig.1, host computer 100, server system 150) method comprising:

establishing communication (fig.1, channel 110) between a wireless sensor (fig.1, host computer 100) and a provisioning device (fig.1, server system 150) over at least one preferred channel (fig.1, server system 150, channel 110, paragraph 0052), said wireless sensor configured to send a first commitment to said provisioning device over

said at least one preferred channel (fig.1, paragraph 0052-0053) and to receive a second commitment from said provisioning device over said at least one preferred channel (fig.1, paragraph 0052-0053);

receiving provisioning information from said provisioning device over said preferred channel (fig.1, paragraph 0052-0053) ; and

Kish fails to specifically disclose automatically configuring said wireless sensor for transmitting sensor information over a secure communication channel responsive to said provisioning information. However, Lowensohn teaches automatically configuring said wireless sensor (fig.1, barb badge 100) for transmitting sensor information over a secure communication channel responsive to said provisioning information (fig.1, and 4, paragraph 0009-0010, 0059). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to the teaching of Kish to detect the user orientation in the environment and security the information of user.

Regarding claim 2, Lowensohn and Kish further teaches the computer controlled method of claim 1, wherein said provisioning information comprises a credential (see Lowensohn, paragraph 0038, 0043).

Regarding claim 3, Lowensohn and Kish further teaches the computer controlled method of claim 1, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician

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data, caregiver data, nurse data, insurance data or room assignment data (see Lowensohn, fig.4, paragraph 0004, 0059).

Regarding claim 4, Lowensohn and Kish further teaches the computer controlled method of claim 3, further comprising transmitting said sensor information over said secure communication channel (see Lowensohn, fig.1, paragraph 0009, 0271).

Regarding claim 5, Lowensohn and Kish further teaches the computer controlled method of claim 1, wherein said provisioning information further comprises one or more of sensitivity data, target data, image recognition data, or noise characteristics (see Lowensohn, paragraph 0038, 0043).

Regarding claim 6, Lowensohn and Kish further teaches the computer controlled method of claim 1, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (see Lowensohn, paragraph 0043-0044).

Regarding claim 7, Kish teaches a computer-readable storage medium storing instructions that when executed by a computer in a wireless sensor to cause the computer (fig.1, host computer 100, server system 150) to perform a method comprising steps of:

establishing communication between a wireless sensor (fig.1, host computer 100) and a provisioning device (fig.1, server system 150) over at least one preferred channel (fig.1, server system 150, channel 110, paragraph 0052), said wireless sensor configured to send a first commitment to said provisioning device over said at least one

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preferred channel (fig.1, paragraph 0052-0053) and to receive a second commitment from said provisioning device over said at least one preferred channel (fig.1, paragraph 0052-0053);

receiving provisioning information from said provisioning device over said preferred channel (fig.1, paragraph 0052-0053) ; and

Kish fails to specifically disclose automatically configuring said wireless sensor for transmitting sensor information over a secure communication channel responsive to said provisioning information. However, Lowensohn teaches automatically configuring said wireless sensor (fig.1, barb badge 100) for transmitting sensor information over a secure communication channel responsive to said provisioning information (fig.1, and 4, paragraph 0009-0010, 0059). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to the teaching of Kish to detect the user orientation in the environment and security the information of user.

Regarding claim 8, Lowensohn and Kish further teaches the computer-readable storage medium of claim 7, wherein said provisioning information comprises a credential (see Lowensohn, paragraph 0038, 0043).

Regarding claim 9, Lowensohn and Kish further teaches the computer-readable storage medium of claim 7, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data,

physician data, caregiver data, nurse data, insurance data or room assignment data (see Lowensohn, fig.4, paragraph 0004, 0059).

Regarding claim 10, Lowensohn and Kish further teaches the computer-readable storage medium of claim 9, further comprising transmitting said sensor information over said secure communication channel (see Lowensohn, fig.1, paragraph 0009, 0271).

Regarding claim 11, Lowensohn and Kish further teaches the computer-readable storage medium of claim 7, wherein said provisioning information further comprises one or more of sensitivity data, target data, image recognition data, or noise characteristics (see Lowensohn, paragraph 0038, 0043).

Regarding claim 12, Lowensohn and Kish further teaches the computer-readable storage medium of claim 7, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (see Lowensohn, paragraph 0043-0044).

Regarding claim 13, Kish teaches a wireless (fig.1, host computer 100, server system 150) apparatus comprising:

at least one port configured (fig.1, channel 110) to establish a preferred channel (fig.1, host computer 100); a preferred channel communication mechanism configured to be able to establish communication with a provisioning device over said at least one preferred channel (fig.1, server system 150, channel 110, paragraph 0052), said wireless sensor configured to send a first commitment to said provisioning device over said at least one preferred channel (fig.1, paragraph 0052-0053) and to receive a

second commitment from said provisioning device over said at least one preferred channel (fig.1, paragraph 0052-0053);

a receiver mechanism configured to be able to receive provisioning information from said provisioning device over said preferred channel (fig.1, paragraph 0052-0053);
and

Kish fails to specifically disclose an automatic configuration mechanism to enable said wireless sensor to transmit sensor information over a secure communication channel established responsive to said provisioning information. However, Lowensohn teaches an automatic configuration mechanism to enable said wireless sensor (fig.1, barb badge 100) to transmit sensor information over a secure communication channel established responsive to said provisioning information (fig.1, and 4, paragraph 0009-0010, 0059). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to the teaching of Kish to detect the user orientation in the environment and security the information of user.

Regarding claim 14, Lowensohn and Kish further teaches the apparatus of claim 13, wherein said provisioning information comprises a credential (see Lowensohn, paragraph 0038, 0043).

Regarding claim 15, Lowensohn and Kish further teaches the apparatus of claim 13, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data, room assignment data, sensitivity data, target data,

image recognition data, activation data, or noise characteristics (see Lowensohn, fig.4, paragraph 0004, 0059).

Regarding claim 16, Lowensohn and Kish further teaches the apparatus of claim 15, further comprising a transmission mechanism configured to transmit said sensor information over said secure communication channel (see Lowensohn, fig.1, paragraph 0009, 0271).

Regarding claim 17, Lowensohn and Kish further teaches the apparatus of claim 13, wherein wireless apparatus further comprises a sensor for measuring said sensor information (see Lowensohn, paragraph 0009-0010, 0038, 0043).

Regarding claim 18, Lowensohn and Kish further teaches the apparatus of claim 13, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (see Lowensohn, paragraph 0043-0044).

Regarding claim 19, Lowensohn and Kish further teaches the apparatus of claim 13, wherein said sensor information is status information about the apparatus (see Lowensohn, fig.1, and 14a, paragraph 0009-0010, 0037).

Regarding claim 20, Lowensohn and Kish further teaches the computer controlled method of claim 1, wherein said at least one preferred channel comprises a single preferred channel capable of communicating both from said wireless sensor to said provisioning device (see Kish, paragraph 0052-0053) and from said provisioning device to said wireless sensor (see Kish, paragraph 0052-0053).

Regarding claim 21, Lowensohn and Kish further teaches the computer controlled method of claim 1, wherein said at least one preferred channel comprises a first preferred channel capable of communicating from said wireless sensor to said provisioning device (see Kish, paragraph 0052-0053) and a second preferred channel capable of communicating from said provisioning device to said wireless sensor (see Kish, paragraph 0052-0053).

Regarding claim 22, Lowensohn and Kish further teaches the computer-readable storage medium of claim 7, wherein said at least one preferred channel comprises a single preferred channel capable of communicating both from said wireless sensor to said provisioning device (see Kish, paragraph 0052-0053) and from said provisioning device to said wireless sensor (see Kish, paragraph 0052-0053).

Regarding claim 23, Lowensohn and Kish further teaches the computer-readable storage medium of claim 7, wherein said at least one preferred channel comprises a first preferred channel capable of communicating from said wireless sensor to said provisioning device (see Kish, paragraph 0052-0053) and a second preferred channel capable of communicating from said provisioning device to said wireless sensor (see Kish, paragraph 0052-0053).

Regarding claim 24, Lowensohn and Kish further teaches the apparatus of claim 13, wherein said at least one preferred channel comprises a single preferred channel capable of communicating both from said wireless sensor to said provisioning

device(see Kish, paragraph 0052-0053) and from said provisioning device to said wireless sensor (see Kish, paragraph 0052-0053).

Regarding claim 25, Lowensohn and Kish further teaches the apparatus of claim 13, wherein said at least one preferred channel comprises a first preferred channel capable of communicating from said wireless sensor to said provisioning device (see Kish, paragraph 0052-0053) and a second preferred channel capable of communicating from said provisioning device to said wireless sensor (see Kish, paragraph 0052-0053).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen
Au: 2617

7/25/2006


GEORGE ENG
SUPERVISORY PATENT EXAMINER